



DEPARTMENT OF THE NAVY
SOUTHWEST DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
1220 PACIFIC HIGHWAY
SAN DIEGO, CA 92132-5190

M60050.002150
MCAS EL TORO
SSIC #5090.3

5090
Ser 06CC.DG/0520
15 May 2001

Ms. Nicole Moutoux
U.S. Environmental Protection Agency
Region IX, (SFD 8-2)
Hazardous Waste Management Division
75 Hawthorne Street
San Francisco, CA 94105-3901

Subj: FEDERAL FACILITY AGREEMENT SCHEDULE, OPERABLE UNIT (OU)-1
(SITES 18), AND (OU)-2A (SITE 24), MARINE CORPS AIR STATION (MCAS)
EL TORO

Dear Ms. Moutoux:

This letter is sent to request an extension to the MCAS El Toro Federal Facility Agreement (FFA) Appendix A Schedule for Primary Documents. Operable Units (OU)-1 and (OU)-2A require a revised milestone deliverable date for the Draft Record of Decision, as previously discussed with the BCT, and as outlined in the most recent extension request dated 01 May 2001. Enclosure (1) is a copy of the Orange County Water District (OCWD) and Irvine Ranch water District (IRWD) response to the 26 April 2001 joint SOUTHWESTDIV & Navy Litigation Office letter sent to the water districts. Enclosure (2) presents our FFA schedule with the revised primary milestones incorporated. This request will extend the deliverable date for the Draft Record of Decision by six and a half months, and is made pursuant to Sections 9.2 (a) (10.1 (k)) and 9.2 (g) of the FFA.

The 01 May, 2001 extension request outlined the need for additional time in order to solicit a response from IRWD and OCWD to determine their commitment to obtaining final Water District board decisions from their respective agencies, at their June meetings. The text of enclosure (1) provides the desired joint response as they state "In answer to your letter of April 26, 2001, staff intends to have approval or rejection of the Settlement Agreement and SGU Agreement by June 22, 2001, by both the OCWD and the IRWD Board."

The "Preliminary Draft Final Proposed Plan", which was provided as the FFA primary deliverable, was submitted to the BCT on 11 August 2000, and commented upon. These comments have been incorporated and have undergone internal review. As the DOJ has expressed quite clearly in the past, however, those remaining portions of the Proposed Plan which relate to the Settlement Agreement are not to be incorporated into the Proposed Plan or distributed until the Settlement Agreement itself has been

approved by the Water Districts, and then goes up through the DOJ chain of command for final action. To minimize the impact of this requirement, we plan to provide the Draft Final Proposed Plan to the DOJ for their final review while they are undertaking their final review of the Settlement Agreement. Given that the BCT has reviewed the document except for the settlement language portion and the incorporation of their previous comments, and as discussed in the 14 December 2000 conference call, BCT review time of the Proposed Plan could be shortened to two weeks.

Applying the settlement steps that remain to dates, the Water Districts should have met with their Boards by 19 June 2001. Water District signature on the Settlement Agreement will also need to be obtained at this time, for which 3 additional days have been allotted taking the schedule to 22 June 2001. The document will then be forwarded for final DOJ review which, given a new Administration and personnel, is estimated at six weeks, taking the schedule to 03 August 2001. The remaining milestones are as indicated below.

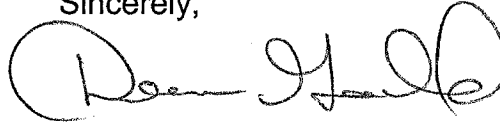
<u>Activity</u>	<u>Action Complete Date</u>
Issue Draft Final PP	03 August 2001
BCT Review of DF PP	17 August 2001
Incorporate Comments, SWDIV Final	
Review, Print, Mail	07 September 2001
Public Comment Period	10 October 2001
Public Meeting	26 September 2001 (tentative)
Prepare Responsiveness Summary	07 November 2001
Issue Draft ROD to BCT	28 November 2001
Issue Responsiveness Summary to BCT	28 November 2001

Please note that the schedule above only reflects a 30 day public comment period. While we hope for this to be the true duration, there is the very strong likelihood that an extension to 60 days will be asked for. Should this be the case, an additional FFA extension request will be submitted to the BCT at that time.

As a result of the time involved in reaching what is hoped to be final concurrence by the Water Districts on the now finalized Settlement Agreement language, we request a six and a half month extension for the Draft ROD for (OU)-1 and (OU)-2A. As such, the proposed date for submitting the Draft ROD will change from 15 May 2001 to 28 November. Given the magnitude, complexity and interest in these documents, we truly believe that this full amount of time will be needed, but in working with the BCT, will expedite with every available opportunity. Further, we remain hopeful that the current negotiated approach will be implemented, but as mentioned in the 26 April 2001 joint SOUTHWESTDIV & Navy Litigation Office letter, we are prepared to work with the BCT to move forward with CERCLA remedy selection process without the IDP.

Thank you in advance for your support for what is expected to be the last lengthy extension request. Please call me at (619) 532-0784 should you have any questions, or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Dean Gould", with a large, stylized initial "D" and a long horizontal stroke.

DEAN GOULD
Base Realignment and Closure
Environmental Coordinator
By direction of the Commander

Enclosure: 1. OCWD Letter dated May 8, 2001
2. Appendix A FFA Schedule of Submittals

Copy to: (w/encl)
Mr. John Scandura, DTSC
Ms. Patricia Hannon, Cal RWQCB, Santa Ana Region

Officers

JERRY A. KING

President

KATHRYN L. BAIR

First Vics President

LAWRENCE P. KRAEMER JR.

Second Vice President

WILLIAM R. MILLS JR.

General Manager

CLARK IOE

General Counsel

JANICE DURANT



ORANGE COUNTY WATER DISTRICT

May 8, 2001

Helen D. Rosen, Assistant Director
Navy Litigation Office
Office of the General Counsel
720 Kennon Street SE, Rm. 233
Washington Navy Yard, DC 20374-5013

Rex Callaway, Associate Counsel
(Environmental) Southwest Division
Office of Counsel (Code 09C.RC)
Naval Facilities Engineering Command
1220 Pacific Highway
San Diego, CA 92132-5190

Re: Former Marine Corps Air Station (MCAS) El Toro and
Irvine Desalter Project (IDP) Settlement Agreement

Dear Helen and Rex:

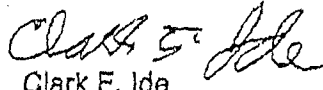
In answer to your letter of April 26, 2001, staff intends to have approval or rejection of the Settlement Agreement and SGU Agreement by June 22, 2001, by both the OCWD Board and the IRWD Board. We are therefore in support of your request for a further extension from the Federal Facilities Agreement (FFA) regulators relating to the IDP settlement negotiations.

Helen D. Rosen
Rex Callaway
May 8, 2001
Page Two

We look forward to concluding this matter one way or the other.

Very truly yours,

ORANGE COUNTY WATER DISTRICT


Clark F. Ide
General Counsel

LOEB & LOEB

Malissa McKeith
Attorney for IRWD

CFI/mak

cc: Malissa McKeith - Attorney for IRWD
William R. Mills Jr. - OCWD
Paul Jones - IRWD
Steve Conklin - OCWD
Richard Bell - IRWD
Roy Herndon - OCWD
Greg Heiertz - IRWD

c:\document\DP\Rosen - Settle Agmt & SCU Agmt

MAY 10 2001 08:18

PAGE.03

APPENDIX A

MCAS El Toro Schedule

<u>Operable Unit (OU)-1: Site 18</u>	<u>Current Completion Dates</u>	<u>New Completion Dates</u>	<u>Change in Dates</u>
Phase I Tech Memo	7 May 93	No Change	
Draft Phase II Work Plan	9 Nov 93	No Change	
Draft Remedial Investigation	30 Dec 94	No Change	
Draft Interim Action Feasibility Study	15 Oct 95	No Change	
Draft Final Interim Action Feasibility Study	9 Aug 96	No Change	
*Agency Approval of Draft Final	11 Oct 96	No Change	
*Response to Regulatory Draft Final Comments	15 Jan 98	No Change	
Draft Proposed Plan	18 Dec 95	No Change	
*re-Draft Proposed Plan	24 Nov 98	No Change	
3 rd Draft Proposed Plan	31 Mar 00	No Change	
Draft Final Proposed Plan	11 Aug 00	No Change	
Draft Record of Decision	15 May 01	28 Nov 01	+6 Mos, 2 Wks

OU-2A: Site 24 (Vadose Zone)

Phase I Tech Memo	7 May 93	No Change
Draft Phase II Work Plan	20 Mar 95	No Change
Start Phase II Field Work	20 Jul 95	No Change
Draft Remedial Investigation	20 Feb 96	No Change
Draft Feasibility Study	9 Aug 96	No Change
Draft Proposed Plan	11 Mar 97	No Change
Draft Record of Decision	1 Jul 97	No Change
Draft Final Record of Decision	24 Sep 97	No Change
Draft Remedial Design/Remedial Action Work Plan	6 Jan 98	No Change
Draft Final Remedial Design	11 Aug 98	No Change
Draft Construction Quality Assurance Plan	11 Aug 98	No Change
Draft Construction Quality Control Plan	11 Aug 98	No Change
Draft Contingency Plan	11 Aug 98	No Change
Draft Project Closeout Report	22 Apr 02	No Change

OU-2A: Site 24 (Groundwater)

Phase I Tech Memo	7 May 93	No Change	
Draft Phase II Work Plan	20 Mar 95	No Change	
Start Phase II Field Work	20 Jul 95	No Change	
Draft Remedial Investigation	20 Feb 96	No Change	
Draft Feasibility Study	9 Aug 96	No Change	
Draft Final Feasibility Study	5 Dec 97	No Change	
*Agency Approval of Draft Final	23 Mar 98	No Change	
Draft Proposed Plan	24 Nov 98	No Change	
2 nd Draft Proposed Plan	31 Mar 00	No Change	
Draft Final Proposed Plan	11 Aug 00	No Change	
Draft Record of Decision	15 May 01	28 Nov 01	+6 Mos, 2 Wks

OU-2B: Sites 2 & 17

Phase I Tech Memo	7 May 93	No Change
Draft Phase II Work Plan	20 Mar 95	No Change
Start Phase II Field Work	20 Jul 95	No Change
Draft Remedial Investigation	20 Mar 96	No Change
Draft Final Remedial Investigation	6 Sep 96	No Change
Draft Feasibility Study	6 Sep 96	No Change
Draft Final Feasibility Study	18 Mar 97	No Change
Draft Proposed Plan	18 Sep 97	No Change

APPENDIX A

MCAS El Toro Schedule

	Current	New	Change in
<u>OU-2B: Sites 2 & 17 (continued)</u>	<u>Completion Dates</u>	<u>Completion Dates</u>	<u>Dates</u>
Draft Final Proposed Plan	28 Jan 98	No Change	
Draft Record of Decision	4 Nov 98	No Change	
Draft Final Record of Decision	17 Jun 99	No Change	
 <u>OU-2C: Sites 3 & 5</u>			
Phase I Tech Memo	7 May 93	No Change	
Draft Phase II Work Plan	20 Mar 95	No Change	
Start Phase II Field Work	20 Jul 95	No Change	
Draft Remedial Investigation	20 Apr 96	No Change	
Draft Final Remedial Investigation	8 Oct 96	No Change	
Draft Feasibility Study	8 Oct 96	No Change	
Draft Final Feasibility Study	13 Feb 97	No Change	
Draft Proposed Plan	18 Sep 97	No Change	
Draft Final Proposed Plan	28 Jan 98	No Change	
Draft Record of Decision	15 Mar 99	No Change	
Draft Final Record of Decision	15 May 01	14 Nov 01**	+6 Months
 <u>OU-3: Sites 4, 6, 9, 10, 13, 15, 19, 20, 21 & 22 and OU-2A: Site 25</u>			
Draft Remedial Investigation	20 Nov 96	No Change	
Draft Feasibility Study	20 Mar 97	N/A	
Draft Proposed Plan	15 Apr 97	No Change	
Draft Record of Decision	21 Aug 97	No Change	
 <u>OU-3: Sites 8, 11, & 12</u>			
Draft Remedial Investigation (included Site 16)	20 Nov 96	No Change	
Draft Feasibility Study (FS)	10 Jul 97	No Change	
Draft Final Feasibility Study	13 Jan 98	No Change	
*Agency Approval of Draft Final	22 Jun 98	No Change	
Draft Proposed Plan	28 Jul 98	No Change	
Draft Final Proposed Plan	17 Mar 99	No Change	
Draft Record of Decision	7 Jun 99	No Change	
 <u>OU-3: Sites 7 & 14</u>			
Draft Remedial Investigation	7 Sep 99	No Change	
Draft Feasibility Study	N/A	No Change	
Draft Proposed Plan	9 Mar 00	No Change	
Draft Record of Decision	22 Nov 00	No Change	
 <u>OU-3: Site 16</u>			
Draft Remedial Investigation	20 Nov 96	No Change	
Draft Feasibility Study	18 Feb 00	No Change	
Draft Proposed Plan	23 May 01	No Change	
Draft Record of Decision	09 Nov 01	No Change	
 <u>OU-3: Site 1</u>			
Draft Remedial Investigation	19 Feb 02	No Change	
Draft Feasibility Study	07 Dec 02	No Change	
Draft Proposed Plan	19 Mar 03	No Change	
Draft Record of Decision	26 Aug 03	No Change	

This schedule reflects current/proposed FFA milestones.

* Not an enforceable FFA deliverable

** Justification provided under separate cover